

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA)	
)	
v.)	NO. 2:03-CR-27-1
)	
)	
ROGER STOCKHAM)	

DISPOSITION ORDER

On April 29, 2005, this matter came before the Court for a disposition hearing under 18 U.S.C. § 4243(e).

At the hearing defendant Roger Stockham sought release, while the government sought commitment consistent with the October 21, 2004 "Risk Assessment Review Report" prepared by the Bureau of Prisons Medical Center at Springfield, Missouri ("the Springfield Report"). The only evidence presented at the hearing consisted of the Springfield Report.

Based upon the Springfield Report, the Court finds that Mr. Stockham has not sustained his statutory burden of proving, by the preponderance of the evidence standard or the clear and convincing standard, that his release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect. *See* 18 U.S.C. § 4243(d).

Pursuant to § 4243(e), the Court therefore ORDERS Mr. Stockham committed to the custody of the Attorney General for hospitalization until his mental condition is such that his release, or his conditional release under a prescribed regiment of medical, psychiatric, or psychological care or treatment, would not create a substantial risk of bodily injury to another person or serious damage to property of another.

The Court recommends that:

1. The Attorney General promptly seek to develop a program for conditional release consistent with the Springfield Report, providing the necessary structure and monitoring to ensure that Mr. Stockham will comply with conditions.

2. Any conditional release seek to make use of treatment facilities other than Veteran's Administration Medical Centers, unless Mr. Stockham agrees to treatment at such a facility. In particular, Veteran's Administration facilities in Vermont should be avoided if possible.

3. Any program for conditional release should be designed to ensure that Mr. Stockham:

- a. continues to take prescribed medications for his mental illness;
- b. does not use controlled substances unless prescribed;
- c. does not consume alcohol;
- d. is closely monitored to insure that he is taking his required medications and is not using non-prescribed controlled substances; and
- e. participates in outpatient therapy.

Dated at Burlington, Vermont this 2nd day of May, 2005.

/s/ William K. Sessions III
William K. Sessions, III
United States District Court Judge